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NAM National Association of Manufacturers

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Comments

On Establishment of Electronic Reporting: Electronic Records; Proposed Rule (Docket Number EC-2000-007)

By the National Association of Manufacturers

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1331 Pennsylvania Avenue, NW • Washington, DC 20004-1790
(202) 637-3000 • Fax (202) 637-3182 • www.nam.org

Executive Summary

On Aug. 31, 2001, the Environmental Protection Agency (EPA) published its proposed rule, the Cross-Media Electronic Reporting and Recordkeeping Rule (CROMERRR). Its purpose is to allow electronic reporting by regulated entities to the EPA (or to state and tribal entities implementing EPA requirements), and to allow regulated entities to keep EPA-mandated records electronically. The proposed rule is intended to apply the burden-reduction goals of the Government Paperwork Elimination Act (GPEA) to environmental reporting and record keeping. However, CROMERRR would increase the compliance burden faced by the regulated community and would make electronic reporting and record keeping even more burdensome than using paper systems.

CROMERRR appears to take the position that current practices using data stored on computers to meet EPA record-keeping requirements are impermissible. CROMERRR also appears to take the position that future use of computers to store data for EPA record keeping requirements would be permissible only if, in most cases, very expensive retrofits for existing computer systems or new computer systems are purchased. The CROMERRR record keeping provisions would seem to impose very high costs on facilities, potentially in the millions of dollars, and well in excess of the $40,000 per facility estimated by the EPA. These impacts may not be obvious from reading the proposed rule, but appear to be implicit in light of the Food and Drug Administration's (FDA) similar rule, which has been in effect since 1997.

The National Association of Manufacturers (NAM) recommends that the proposed CROMERRR be withdrawn. At the very least, the record-keeping provisions should be withdrawn. NAM member companies are subject to extensive EPA and state/local reporting requirements under the Clean Air Act, Resource Conservation and Recovery Act, Emergency Planning and Community Right-to-Know Act, Clean Water Act and various other environmental statutes and implementing regulations. Therefore, this proposal will have significant impacts on our member companies, as well as many thousands of other large and small companies.

It has become clear that the "voluntary" record-keeping provisions would, in practical effect, be mandatory for the great majority of facilities regulated under EPA-administered laws. Using the EPA's own figures for the number of affected facilities, as well as up-front and annual costs, these record-keeping requirements would cost $48 billion initially and more than $20 billion annually thereafter. The former figure is seven times the EPA's annual budget and the latter is more than four times the annual cost of the Occupational Safety and Health Administration's (OSHA) ill-fated ergonomics rule.

The overarching goal of paperwork reduction is to reduce the compliance burden to industry. However, CROMERRR does not reduce the compliance burden – in fact, it adds to it tremendously. The EPA should, at a minimum, withdraw the record-keeping provisions from CROMERRR and work with industry to evaluate alternatives to this rule. For now, the NAM reserves judgment on the reporting portions of CROMERRR. The NAM appreciates the dialogue the EPA has initiated with industry on this issue and stands ready to work with the EPA on future options in electronic reporting and record keeping.

COMMENTS OF THE
NATIONAL ASSOCIATION OF MANUFACTURERS
To the
ENVIRONMENTAL PROTECTION AGENCY
Regarding
DOCKET NUMBER EC-2000-007
On
ESTABLISHMENT OF ELECTRONIC REPORTING:
ELECTRONIC RECORDS; PROPOSED RULE

Introduction

The National Association of Manufacturers (NAM) submits these comments in response to the Environmental Protection Agency (EPA) Proposed Rule on Establishment of Electronic Reporting: Electronic Records (commonly referred to as CROMERRR – Cross-Media Electronic Reporting and Recordkeeping Rule), as published in the Aug. 31, 2001, *Federal Register*. The NAM – 18 million people who make things in America – is the nation's largest industrial trade association. The NAM represents 14,000 member companies (including 10,000 small and mid-sized companies) and 350 member associations serving manufacturers and employees in every industrial sector and all 50 states. Headquartered in Washington, D.C., the NAM has 10 additional offices across the country.

The NAM's mission is to enhance the competitiveness of manufacturers and improve American living standards by shaping a legislative and regulatory environment conducive to U.S. economic growth. NAM member companies are subject to extensive EPA and state/local reporting requirements under various environmental statutes and regulations. Accordingly, the NAM has a vested interest in the EPA's development of reporting and record keeping regulations that will affect a broad array of industry owners and operators, particularly small businesses of various kinds. Our comments will address those general issues of concern presented only by the record-keeping portion of the EPA's Cross-Media Electronic Reporting and Recordkeeping Rule (hereinafter, CROMERRR). The reporting provisions in CROMERRR raise important concerns in and of themselves, but are beyond the scope of these comments.

Key Concerns and Recommendations

Although presented as voluntary, CROMERRR's record-keeping requirements would apparently apply to all EPA-mandated records kept on a computer. The EPA presents the CROMERRR record-keeping provisions as voluntary. However, the proposed rule's text suggests that the provisions would be mandatory for almost all uses of computers to store data intended to meet EPA record-keeping requirements.

The CROMERRR record-keeping requirements would be very expensive. The CROMERRR record-keeping requirements would seem to impose very high costs on facilities, potentially in the millions of dollars, and well in excess of the $40,000 per facility estimated in the proposed rule's preamble.

In proposing CROMERRR, the EPA appears to have endorsed a one-size-fits-all approach to electronic record keeping. The Government Paperwork Elimination Act (GPEA) does not mandate the rule as proposed. The EPA did not conduct a risk assessment or cost-benefit analysis on the need for such stringent anti-fraud provisions, although directed by the Office of Management and Budget (OMB) to do so. The agency also did not conduct a Small Business Regulatory Enforcement Fairness Act (SBREFA) analysis to assess the rule's impact on small businesses.

The proposed nine requirements in CROMERRR intended to track changes to every record kept by a company are unnecessary. These requirements are intrusive and overly costly. The EPA should allow regulated entities to maintain records in any reliable format, so long as they are accurate and accessible.

The EPA should withdraw the proposed rule and reassess the need for, and potential impact of, the rule. CROMERRR is based on mistaken assumptions and is plagued by high costs, technical infeasibility and a lack of need for adoption. At a minimum, the EPA should withdraw the record-keeping provisions of the proposal.

Background

The Benefits and Pitfalls of Electronic Record Keeping

Electronic record keeping is the automated process of managing electronic records in a manner that ensures efficiency, authenticity and reliability. Businesses and government agencies have a critical need for fast access to records used to transact business. Today, these records can include electronic documents related to the transaction (*i.e.*, invoices, shipping orders, Etc.), Web pages and electronic mail. Electronic record keeping provides a means to store and access information for business, regulatory and other purposes.

Electronic record-keeping practices also provide cost savings to companies by reducing the need for paper systems. While there are costs associated with implementing and maintaining electronic record keeping, this type of system can reduce or avoid costs for paper filing, storage space and labor. By streamlining and automating records electronically, companies can improve productivity and efficiency in the gathering, organizing, distributing and reporting of these records.

CROMERRR assumes that the pitfalls of electronic record keeping lie in maintaining the authenticity and reliability of the records. Under current environmental reporting laws and regulations, businesses must communicate information regarding the range of its environmental activities to a variety of affected parties, including employees, local communities, shareholders, customers, government and environmental groups. Because self-monitoring and self-reporting are vital to the success of environmental reporting programs, it is essential that companies ensure sufficient responsibility and accountability in the submission of electronic reports and the maintenance of electronic records. However, the EPA makes faulty assumptions in its proposed rule: that its record-keeping requirements were currently being met primarily through paper records and that electronic record keeping was an emerging phenomenon that could be influenced. However, electronic record keeping

is already indispensable for complying with EPA record keeping requirements and paper records had, and still do have, significant authenticity and reliability problems as well.

EPA Rationale for CROMERRR

The purpose of CROMERRR is to allow electronic reporting by regulated entities to the EPA (or to state and tribal entities implementing EPA requirements) and to allow regulated entities to keep EPA-mandated records electronically. The EPA suggests that CROMERRR will –

- reduce the cost for both sender and recipient;
- improve data quality by automating quality control functions and eliminating re-keying; and
- greatly improve the speed and ease with which the data can be accessed by all who need to use it.

According to the EPA, "electronic reporting and record keeping have a strong mandate in federal law and policy." The March 1996 *Reinventing Environmental Information Report* says that electronic reporting supports the President's overall regulatory reinvention goals of reducing the burden of compliance and streamlining regulatory reporting. In addition, the Government Paperwork Elimination Act (GPEA) of 1998 requires that agencies be prepared to allow electronic reporting and record keeping under their regulatory programs by Oct. 21, 2003.

The EPA uses GPEA as the legislative basis for CROMERRR but, as discussed further below, the CROMERRR record-keeping requirements would be directly contrary to several components of GPEA. Also, the EPA claims that replacing paper with electronic-data transfer promises increased productivity across almost all facets of business and government. However, in proposing the record-keeping provisions, the EPA misunderstood the current role of electronic record keeping in meeting EPA record-keeping requirements. The agency assumes that little or nothing is going on when, in fact, electronic record keeping is now pervasive in industry.

Cross-Media Reporting and Record Keeping Rule

The EPA claims that the proposed rule will remove existing regulatory obstacles to electronic reporting and record keeping across a broad spectrum of environmental programs, and assure that electronic documents and records are as valid and authentic as their paper counterparts. The proposed requirements will apply to regulated entities that choose to submit and/or keep electronic records. The most controversial aspect of CROMERRR is the EPA's assertion that the choice of using electronic, rather than paper, for future reports and records will be "purely voluntary." Despite the EPA's intent, the rule is not voluntary and would apply whenever a facility opts to maintain electronic records; would apply to any electronic record; would be triggered by the use of any electronic means to generate, maintain, store or distribute records; and would apply even if the data is printed out in a hard-copy form. This, and other concerns, will be discussed in the comments below.

Discussion

The EPA's Characterization of CROMERRR as "Voluntary" Derives From Erroneous Assumptions That Modern Industry Can Choose Not To Use Electronic Means to Record and Store Information

The proposed rule portrays the record-keeping aspects of CROMERRR as voluntary, as indicated by the following statements –

- "Under today's proposal, electronic-document submission or electronic record keeping will be totally voluntary."
- "Today's rule is not subject to the RFA [Regulatory Flexibility Act] because electronic reporting and record keeping is voluntary."
- "However, it was also assumed that a very low number of facilities (0.5 percent) of the current regulated entities would elect to acquire new electronic record-keeping systems to implement the CROMERRR record-keeping option."

However, notwithstanding such statements, the CROMERRR record-keeping provisions appear to be mandatory for most records kept electronically to meet EPA requirements.

The key definition is that of "electronic record." The proposed rule would define that term as "any combination of text, graphics, data, audio, pictorial or other information represented in digital form that is created, modified, maintained, archived, retrieved or distributed by a computer system." This broad definition would appear to encompass both records kept electronically at all times and those created or stored temporarily on a computer and then printed out. Where regulated entities routinely store monitoring data, emissions data or other information on a computer, such storage would subject the regulated entities to all of the CROMERRR requirements for electronic record keeping. Accordingly, CROMERRR is apparently not really voluntary at all. Most regulated entities would seem to have no choice but to collect and store data on a computer and would then have to adapt their computer systems to meet CROMERRR requirements.

The EPA assumed that only 428 facilities per year would become subject to the CROMERRR record-keeping provisions, because those 428 facilities would be in a position to choose to adapt their electronic record-keeping systems to meet the demands of CROMERRR. The EPA also assumed that all other facilities would be in a position either to abandon electronic record keeping, or not to initiate it.

As is now apparent, virtually all EPA-regulated facilities use electronic records to meet EPA record-keeping requirements. For many of those record-keeping requirements, it is literally impossible to comply without creating electronic records. For others, electronic record keeping is far more efficient than exclusively paper record keeping. Regulated entities have invested many billions of dollars in computer systems which in part serve to meet EPA record-keeping requirements. Almost none of them would meet the CROMERRR design

criteria of having an audit trail and capacity to transfer records electronically across multiple generations of hardware and software without data loss. Thus, with CROMERRR, each facility subject to EPA record-keeping requirements would face a mandatory rule imposing severe technical and financial burdens. There would be nothing voluntary about the record keeping provisions.

The EPA has estimated that 1.2 million facilities submit reports to the EPA. Even as low a number as 1.2 million facilities shows that the use of electronic record keeping to meet EPA record-keeping requirements is pervasive. What might have been tolerable with 428 facilities per year at the dawn of electronic record keeping is unacceptable for more than a million facilities already deeply involved with electronic record keeping.

The EPA appears to have modeled CROMERRR closely on a 1997 Food and Drug Administration (FDA) rule, 21 CFR Part 11. The FDA rule's definition of "electronic record" is virtually identical to the corresponding definition in CROMERRR. Like the CROMERRR preamble, the FDA preamble declared that the record-keeping provisions were voluntary. The FDA has interpreted its version of CROMERRR to apply the rule to all agency-mandated records that are generated or maintained electronically at any point in their lifetimes, even if the records are printed out at some point. Under the literal words of CROMERRR and 21 CFR, Part 11, and under FDA interpretations of Part 11, such records would be considered to be electronic records and be subject to the rule. Since it would be very difficult to escape the use of electronic records, as interpreted, CROMERRR would effectively be mandatory for many EPA-required records that are electronic at any point in their lifetimes. Such record-keeping requirements are not voluntary; in a practical sense, they are mandatory. Approximately 1.2 million facilities would be subject to those requirements.

The CROMERRR Record-Keeping Requirements Would Be Very Expensive and Burdensome

The CROMERRR record-keeping provisions could be the most expensive EPA requirements in history. Using the EPA's own estimates, a "low-end" electronic record-keeping system would cost $40,000 ($25,000 for the system, $15,000 for additional setup and training). The EPA estimated that the cost of maintaining the system and managing the records would be $17,000 annually. The EPA also estimates that 1.2 million facilities have EPA-related reporting obligations. It is reasonable to conclude that at least that many entities have EPA-related record-keeping obligations as well. Assuming that 1.2 million entities would incur the initial and annual costs, the initial cost of meeting the CROMERRR record-keeping provisions would be $48 billion, and the annual maintenance cost would be $20 billion.

In contrast, the Occupational Safety and Health Administration's (OSHA) ergonomics rule would have affected 6.1 million facilities and would have cost $4.5 billion annually. Using the EPA's own estimates, just the initial cost of meeting the CROMERRR record-keeping provisions would be more than 10 times the annual cost of the ergonomics rule. The annual cost for maintaining a system meeting CROMERRR record-keeping requirements would be more than four times the annual cost of the ergonomics rule. Congress passed legislation

disapproving the ergonomics rule, Public Law 107-5. In signing that legislation less than a year ago, President Bush stated:

> There needs to be a balance between, and an understanding of, the costs and benefits associated with federal regulations. In this instance, though, in exchange for uncertain benefits, the ergonomics rule would have cost both large and small employers billions of dollars and presented employers with overwhelming compliance challenges. Also, the rule would have applied a bureaucratic one-size-fits-all solution to a broad range of employers and workers – not good government at work.

These comments are as applicable to the CROMERRR record-keeping provisions as they are to the ergonomics rule.

It is not appropriate to rely on the EPA cost estimates, as they are much too low. The $40,000 initial cost and $17,000 annual cost were just for a low-end system. While the details of what a low-end system entails are not included in the public docket, it is clear that such a system will not suffice to meet EPA record-keeping requirements in today's complex, highly automated environment.

CROMERRR seems to declare impermissible today's use of computers to keep records to meet EPA record-keeping requirements. It would seem to allow computer usage for record keeping only once the EPA announces that such usage may begin. Accordingly, it seems to imply that the use of computers to keep EPA-mandated records today is inadequate to meet EPA record-keeping requirements in the future. Many facilities employ multiple systems in order to track, compile and report environmental performance. Complying with CROMERRR would require modifications to each and every one of those multiple systems and will require significant investments of time, money and human resources.

CROMERRR would appear to mandate retrofitting current computer systems with expensive and complex add-ons to provide the required system controls, or else replacement of current computer systems with new ones. Current computer systems generally do not have the capabilities required under CROMERRR. For example, Microsoft Excel® lacks an audit-trail capability that CROMERRR would require. Pharmaceutical companies are spending millions of dollars retrofitting current systems and buying new ones to comply with 21 CFR Part 11. CROMERRR incorporates most of the hardware and software requirements of 21 CFR Part 11, and therefore, would be as burdensome as that rule.

In a recent survey conducted by Accenture concerning leading companies' approaches to Part 11 compliance, respondents place the total cost to become compliant with Part 11 at about $100+ million, with additional time and money slated for maintenance. Given the necessity to invest such a large amount of resources, both initially and on an ongoing basis, this regulation has a greater direct financial impact than many other regulations for pharmaceutical and medical-device companies. Thus, for some companies, CROMERRR costs can be expected to reach $100 million per company or more. The $40,000 initial and $17,000 annual costs suggested by the EPA are unrealistic.

In Proposing CROMERRR, the EPA Appears to Have Endorsed a One-Size-Fits-All Approach to Electronic Record Keeping

CROMERRR is the EPA's response to the GPEA, which directs OMB to issue guidance to executive branch agencies on GPEA implementation. The EPA apparently did not follow the OMB guidance to conduct a risk assessment and cost-benefit analysis on the need for anti-fraud provisions. If it had done so, it might have found insufficient justification for the stringent and expensive provisions included in CROMERRR. Much less stringent provisions might have been adequate. Any proposal intended to address possible problems with fraud and false information needs to be based on experience; a complete understanding of the effect of electronic recordkeeping on accuracy and fraud; and a cost/benefit analysis.

The GPEA is an enabling statute, designed to encourage (not discourage) electronic reporting and record keeping. The purpose of GPEA is to ensure that electronic records and reports are treated no less favorably than paper records and reports. With respect to electronic record keeping, it provides, "electronic records submitted or maintained in accordance with procedures developed under this Act . . . shall not be denied legal effect, validity or enforceability because such records are in electronic form." The OMB has issued guidance to Executive Branch agencies, including the EPA, on how to implement the GPEA. That guidance calls for each agency to conduct a risk assessment and cost-benefit analysis.

The EPA apparently did not conduct either a risk assessment or cost-benefit analysis of differing sets of security provisions. Instead, it seems to have concluded that there was a high need for rigorous provisions to deter or punish fraud in connection with all EPA-mandated record-keeping requirements. These anti-fraud provisions would be on top of existing anti-fraud provisions. The federal criminal code already prohibits making a false statement to the government or keeping fraudulent records required by the government. Most or all EPA-administered statutes contain specific prohibitions on making false statements or keeping false records.

The OMB guidance suggests that if the EPA had conducted a risk assessment and cost-benefit analysis, it might have found that its concerns with fraud in electronic record keeping were excessive. Instead, following the FDA's example, the EPA apparently assumed that all EPA-mandated records, regardless of their nature, have the highest level of sensitivity. The OMB guidance cautions against this one-size-fits-all approach. In particular, the OMB guidance advises that the risk of fraud is lowest where there is an ongoing relationship, as with the EPA and regulated entities. The EPA keeps careful track of its regulated entities, routinely inspects them and deals with them on an ongoing basis. Accordingly, the risk of fraud is probably quite low. Although the EPA cannot point to any greater risk for fraud for electronic versus paper systems, CROMERRR would establish an artificially high bar to reliance on electronic documents or data.

In contrast to the EPA and the FDA, other federal agencies implementing the GPEA have chosen to adjust the degree of anti-fraud protections to the risk of fraud and the consequences of fraud. For example, the Treasury Department has adopted policies and practices for the use of electronic transactions and authentication techniques in federal payments and collections. It uses a risk-based approach, stating that all payment, collection and collateral

transactions must be properly authenticated, in a manner commensurate with the risks of the transaction. Transactions with negligible risk may occur without any electronic authentication technique. Those with low risk must use a single factor authentication, such as a personal identification number. Those with moderate or high risk would require more in the way of authentication, such as cryptography. The actions of other agencies suggest that the EPA can address the deterrence and detection of fraud in record-keeping requirements in a risk-based manner. There is no indication in CROMERRR that the EPA has done so.

As noted earlier, CROMERRR touts its electronic record-keeping provisions as voluntary. The EPA's own cost-benefit analysis estimated that only 428 facilities would voluntarily choose to adopt systems complying with the electronic-records provisions. On that basis, the EPA determined that it did not have to comply with the Small Business Regulatory Enforcement Fairness Act (SBREFA). However, ample evidence exists that the electronic record-keeping provisions are actually mandatory and could likely affect 1.2 million or more facilities with an economic impact in the billions of dollars. The SBREFA mandates an appropriate analysis whenever a rule is determined to have a "significant economic impact" on a "substantial number of entities." CROMERRR would clearly have that effect, yet the EPA did not comply with SBREFA because it claimed CROMERRR is voluntary. The EPA should withdraw the proposed rule, conduct the required SBREFA analysis and the GPEA-suggested cost-benefit analysis and risk assessment, and work with regulated entities on a more beneficial and less burdensome rule.

The CROMERRR's Requirements to Establish Validity and Trustworthiness for Records Are Too Detailed and Are not Necessary

In the proposed rule, the EPA sets out nine criteria that an "acceptable electronic record-retention system" must include:

1. The system must generate and maintain accurate and complete copies in a form that does not allow alteration.
2. The system must ensure that records are not altered during a record's retention period.
3. Copies of records must be readily available in human readable and electronic form.
4. Any electronic signature must contain the name of the signatory, date, time and "meaning" of the signature.
5. The signature on a document cannot be detached, copied or otherwise compromised.
6. The system must use secure, computer-generated, time-stamped audit trails for every document to track all changes or deletions, and this record is available for agency audit.
7. All electronic records must be searchable and retrievable for reference, audit or legal proceedings.
8. All electronic records must be archived in an electronic form that preserves the context, metadata and audit trail.
9. All computer hardware and software systems must be available for agency inspection.

In the preamble to the proposed rule, the EPA says that it is considering six additional potential requirements for acceptable electronic record-keeping systems:

1. Establish and implement written policies that limit system access to authorized individuals;
2. Establish and implement written policies that hold individuals accountable and responsible for actions initiated under their electronic signatures;
3. Use device checks to determine the validity of the source of data input;
4. Use additional measures such as document encryption and digital-signature standards, to ensure record authenticity;
5. Validate systems routinely to ensure their accuracy and document having done so; and
6. Establish and implement written policies relating to the education and training of company personnel and certification of persons who develop, maintain or use electronic-signature systems.

The CROMERRR nine requirements to establish validity and trustworthiness for records are too detailed and are not practical or necessary. These requirements need to be simplified to allow regulated entities to maintain records in any reliable format, electronic or otherwise, so long as the companies can substantiate the accuracy of the information they are required to provide to the EPA, states or tribes upon request.

For example, the recently enacted Electronic Signatures in Global and National Commerce Act of 2000 (hereinafter, E-SIGN Act) contains criteria that are feasible and a reasonable alternative to the very costly and technologically demanding requirements in CROMERRR. The integrity standard of acceptance for E-SIGN documents is simple: the electronically maintained record must be *accurate* and *accessible*. The two E-SIGN document-integrity requirements are included in the nine requirements the EPA proposes for records under CROMERRR. If the EPA wants to ensure that environmental records cannot be tampered with, or if the EPA feels it needs an electronic-audit trail, it should identify a rationale and conduct a cost-benefit analysis to demonstrate that these additional protections are warranted in specific instances. However, to mandate all nine requirements for every electronically created and maintained record is not appropriate or cost-effective.

Conclusion

CROMERRR was presented as voluntary, but appears to be mandatory for all EPA-mandated records kept on computers. CROMERRR apparently would apply to every record required by the EPA if kept on a computer (with the exception of hazardous-waste manifests, covered by a separate proposed rule). To avoid CROMERRR, apparently no computers could be used to create, modify, store or distribute the data. Printing out computerized information would apparently not be enough to avoid CROMERRR requirements. The FDA's final rule corresponding to CROMERRR, 21 CFR Part 11, was also presented as voluntary, but has proven to be mandatory in a practical sense. Accordingly, apparently all or most entities subject to EPA record-keeping provisions would have to adapt their computer systems to meet CROMERRR requirements. As a result, the cost of meeting the CROMERRR record

keeping-requirements could be well over $40 billion, making it the most expensive EPA regulation ever promulgated.

The EPA apparently failed to conduct a risk assessment on the need for CROMERRR's anti-fraud provisions, despite the OMB direction to do so. The OMB guidance to federal agencies implementing the GPEA, which CROMERRR does, directs them to conduct assessments of the risks, benefits and costs of security measures. It cautions against one-size-fits-all approaches. CROMERRR seems to embody a one-size-fits-all approach, requiring the highest level of security for even the most routine records. A risk assessment and cost-benefit analysis might have found that the risk of fraud for many or most EPA-mandated records does not justify the costs of implementing CROMERRR.

The NAM strongly recommends that the EPA withdraw the proposed CROMERRR. At a minimum, the EPA should withdraw the record-keeping provisions of the proposed rule. The NAM appreciates the willingness of EPA staff to engage in a dialogue process with affected entities to discuss the proposed rule and looks forward to continuing this dialogue in the future. Thank you.